



California Regulatory Notice Register

REGISTER 2010, NO. 45-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 5, 2010

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **December 9, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on December 7, 2010**.

BACKGROUND/OVERVIEW

Effective January 1, 2010, Senate Bill 1007 (Hancock) imposes the full scope of the Act's campaign reporting provisions on both CalPERS and CalSTRS candidates, as well as committees primarily formed to support or oppose these candidates. As adopted, Senate Bill 1007 provides the following summary:

"This bill would revise the definitions of 'elective office' and 'elective state office' for purposes of the Political Reform Act of 1974 to include membership on the boards described above and would repeal the provision that exempts from the act candidates for election to those boards, thereby subjecting those candidates, and committees formed or existing primarily to support or oppose those candidates, to the reporting requirements of the act. The bill would further make conforming changes to provisions of the act relating to the reporting of late

contributions, the reporting of late independent expenditures, the filing of committee organization statements, and the filing of campaign statements and preelection statements. In addition, the bill would give the Fair Political Practices Commission the authority to adopt regulations to tailor the act's reporting and disclosure requirements for those candidates and committees consistent with the purposes and provisions of the act."

REGULATORY ACTION

In light of Senate Bill 1007, the Commission will examine regulatory changes necessary to implement full reporting for CalPERS and CalSTRS elections. The commission may also examine regulatory changes clarifying the Act's requirements as applied to CalPERS and CalSTRS candidates or members, and committees primarily formed to support or oppose these candidates. Specific proposals the Commission may consider include, but are not limited to, the following:

- Repeal 2 Cal. Code Regs. Sections 18451, 18452, and 18453 — Existing Regulations 18451, 18452, and 18453 interpret the abbreviated campaign reporting requirements of current Section 84225 applicable solely to CalPERS candidates. Because Senate Bill 1007 deletes CalPERS specific rules for campaign reporting and imposes full reporting requirements upon CalPERS officials, these regulations are inconsistent with Senate Bill 1007 and should be repealed.
- Adopt 2 Cal. Code Regs. Section 18451 — Proposed Regulation 18451 clarifies that CalPERS and CalSTRS candidates or members, their controlled committees, and committees primarily formed to support or oppose these candidates must file campaign reports and statements as specified in Section 84215(e) and online or electronically as required by Section 84605.
- Adopt 2 Cal. Code Regs. Section 18721 — Proposed Regulation 18721 clarifies the filing location for CalPERS and CalSTRS candidates and members filing Statements of Economic Interests under Sections 87201–87204 of the Act, as well as the deadline for statements filed under Section 87201.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 82023, 82024, 82036, 82036.5, 84101, 84200.5, 84200.9, 84215, 84225, 84605, 85204, 87201–87204, and 87500.

CONTACT

Any inquiries should be made to Brian G. Lau, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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fices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **December 7, 2010**.

BACKGROUND/OVERVIEW

By passing AB 1743, the legislature has recently amended Government Code Section 82039, defining lobbyists. This Section will be effective on January 1, 2011. Section 82039, as amended, includes “placement agents” in the Political Reform Act’s definition of lobbyist. The Legislature also added Section 82047.3, which offers a definition of a “placement agent.” These new and amended statutes apply to persons or entities that are engaged in certain business with public retirement systems in California.

In light of the statutory changes noted, Regulation 18239, defining lobbyists, is in need of updating.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18239.

The above regulation will update the definition of “lobbyist” to comport with the new and amended statutes in the Act. Language will be consistent with the legislature’s move in adding “placement agents” under the Commission’s regulation.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 82039.

CONTACT

Any inquiries should be made to Heather M. Rowan, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 9, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on December 7, 2010**.

BACKGROUND/OVERVIEW

In May 2010, Regulation 18313.5 was enacted to codify the Commission's website posting practices. It provides in pertinent part:

"(a) Not later than 10 days after issuance or receipt by the Commission, the Commission shall post the following information on its website:

"(1) Commission opinions issued pursuant to subdivision (a) of Section 83114.

"(2) Staff advice letters issued pursuant to subdivision (b) of Section 83114.

"(3) Warning, advisory, and closure letters issued by the Enforcement Division.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

"(4) Behested payments reports filed with the Commission pursuant to subdivision (b)(2)(B)(iii) and (b)(3) of Section 82015."

At the time Regulation 18313.5 was proposed, staff described the purpose of the regulation as follows:

"The Commission's goal was to make it easier for individuals visiting the website to gain access to important public information regarding Commission activities concerning the enforcement and interpretation of the Political Reform Act as well as other informational reports the Commission deems related to its purposes."

In September, 2010, following along the lines of the prior changes, Commission staff began posting Enforcement Notices of Investigations. With respect to investigations based on sworn complaints, the Enforcement Division posts the investigation confirmation letters and initial complaint form. In regard to investigations initiated by the Enforcement Division, the Enforcement Division posts the notice letters and letters on which the investigation is based, if any. The Commission will redact addresses, telephone numbers, e-mail addresses, signatures, and personal financial information before posting to the website.

The Commission will consider an amendment to Regulation 18313.5 at its meeting on December 9, 2010, to add this information to the list of material to be posted on the website.

SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific the procedures for valuing gifts to nonprofit and political fundraisers, consistent with various provisions of the Political Reform Act (Government Code Sections 81000–91014.) Specific Government Code sections implemented, interpreted, or made specific by those regulations are indicated in the “Reference” section at the end of each regulation.

CONTACT

Any inquiries may be made to John W. Wallace, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION

DATE: November 5, 2010 REGULATION FILE: REG–2010–00006

WORKERS’ COMPENSATION RATING ORGANIZATION INTERNET WEB SITES

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to Title 10, Chapter 5, Subchapter 3 of the California Code of Regulations the new Article 21: Rating Organization Workers’ Compensation Insurance Coverage Information Internet Web Site, consisting of new Sections 2593, 2593.1, 2593.2, 2593.3, 2593.4, 2593.5, 2593.6, and 2593.7. The regulations set forth the standards required to allow a person to submit a query on a rating organization’s Internet Web site for workers’ compensation insurance coverage information concerning a specified employer on a specified date and to allow for employers to dispute with the rating organization or the employer’s insurance company the accuracy of the information displayed on the Internet Web site.

PUBLIC HEARING

At this time, no public hearing is scheduled concerning the proposed regulations. However, any person, or the person’s representative, may request a public hearing; such request for public hearing must be made **no later than 15 days prior to the close of the written comment period.**

**PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS**

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on December 20, 2010. Please direct all written comments to the following contact person:

Christopher A. Citko, Senior Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492–3187

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Elena Fishman
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492–3507

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact persons at his address listed above, no later than 5:00 p.m. on December 20, 2010. Any written materials received after that time may not be considered.

**COMMENTS TRANSMITTED BY E–MAIL
OR FACSIMILE**

The Commissioner will accept written comments transmitted by e–mail provided they are sent to the following e–mail address: citkoc@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Christopher A. Citko and sent to the following facsimile number: (916) 324–1883. **Comments sent to other e–mail addresses or other facsimile**

numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code section 11752.75. Insurance Code sections 11750.3, 11751.1, 11752.6, and 11752.75 provide authority for this rulemaking.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW AND POLICY STATEMENT OVERVIEW

Under existing law workers' compensation rating organizations, which are licensed by the Insurance Commissioner, perform various duties in gathering, analyzing, and making available data regarding workers' compensation insurance from its member insurance companies. As part of those duties, the rating organization is required to collect workers' compensation policy information and make it available to insurance companies and employers. Additionally, rating organizations are directed to establish and maintain an Internet Web site to provide workers' compensation policy coverage information to the public by allowing a person to make a query of that Web site to determine whether an employer is insured for workers' compensation.

The rating organization shall establish its workers' compensation coverage Internet Web site pursuant to regulations adopted by the Insurance Commissioner after notice and hearing. The Insurance Commissioner shall specify a method by which an employer may dispute through the rating organization or the employer's insurance company the accuracy of information displayed on the Web site. The Insurance Commissioner may provide specified identifying information to be used for a query, permit the rating organization to impose access restrictions as necessary to deter the use of the Web site for purposes other than for which it was intended, require any disclaimers in the Web site, require policy information to be updated as soon as reasonably feasible following submission of that information by insurance companies to the rating organization, and define confidential information not be disclosed on the Web site.

Existing law requires the insurance commissioner to conduct a review and evaluation of the establishment and operation of the rating organization's coverage Internet Web site and assess whether it is achieving its intended purpose and provide a report on his or her findings no later than July 1, 2013. The report shall include,

to the extent possible, statistics on usage, error rates, user complaints, and efforts undertaken by the Commissioner to improve the operation of the Internet Web site. The report shall be presented to the office of the President pro Tempore of the Senate, the Speaker of the Assembly, the Senate Committee on Banking, Finance, and Insurance, the Assembly Committee on Insurance, the Department of Finance, and the Department of Industrial Relations and shall be made available on the Internet Web site of the Department of Insurance.

Currently, there exists no source of information for the public to determine if an employer may have workers' compensation insurance or to determine which insurance company may provide that employer with coverage. The coverage information Internet Web site of a rating organization shall provide a person with the ability to make a query to determine on a specified date whether an employer may have workers' compensation insurance coverage and identify which insurance company the coverage is with. However, the Web site may not be used to provide inception or expiration dates of coverage, the insurance policy number, or confidential information, as defined by the Insurance Commissioner.

EFFECT OF PROPOSED ACTION

The purpose of these regulations is to provide the standards required to allow a person to submit a query on a rating organization's Internet Web site for workers' compensation insurance coverage information concerning a specified employer on a specified date and to allow for employers to dispute with the rating organization or the employer's insurance company the accuracy of the information displayed on the Internet Web site.

The regulations define the terms to be used in the regulations as they govern submission of a query on a rating organization's Internet Web site for workers' compensation insurance coverage information.

The regulations allow for a query of a single employer by name, combination of name and address of the employer, or by entering the employer's federal employer identification number, also known as "FEIN."

The regulations also provide for access restrictions to be used by the rating organization to limit searches to a specified employer on a specified date as required by the enabling statute and to limit the use of the web site so as not to allow users to determine insurance policy inception and expiration dates or other unintended uses. Additionally, the creation of lists unrelated to the specific employer and that may be proprietary or confidential should not be generated by a query.

The regulations allow rating organizations to provide disclaimers regarding the limits or deficiencies of the information available on the web site and require the

rating organization to include disclaimers that the results should not be used as proof or evidence of coverage, concerning the need to confirm the results of a query with the employer's insurer before the information is used, the coverage information may not be available or complete for all employers, the data may be only limited to five years prior to the date of the query, and an employer may not be listed if it is self-insured.

A rating organization shall update its coverage information on its Internet Web site within 30 days of receiving it from an insurer.

The regulations allow for disputes by employers regarding the accuracy of the information to be dealt with either by the employer's insurer or the rating organization. If either the insurer or the rating organization is contacted, a response to the employer shall be provided within 30 days, in writing, and provide information as to whether or not the information is correct or what corrections were necessary and the contact person for the insured that handled the dispute. The rating organization shall also provide a toll-free telephone number and email address to deal with employer disputes that shall be prominently displayed on its coverage information Internet Web site.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES OR SCHOOL DISTRICTS OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESS AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the adoption of the proposed regulations will not have a significant, statewide adverse economic impact

directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) Use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses (Cal Gov Code section 11346.5(a)(7)).

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Commissioner is aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Insurers that engage in workers' compensation insurance that are affected are not representative of the insurance industry at large. However, an insurer that is representative of the group of insurers that will be affected by the proposed regulations would be required to respond to complaints regarding inaccurate coverage information being reported on the rating organization's coverage information Internet Web site. This may represent an additional cost to those insurers, but the amount of that cost has not been evaluated or determined.

Additionally, these regulations apply to rating organizations that are required by law to have an Internet Web site that provides workers' compensation coverage information. However, there currently exists only a single rating organization, the WCIRB, and it must establish such a Web site and be able to respond to disputes concerning inaccurate coverage information on its Web site pursuant to these regulations. This would represent an additional cost to the WCIRB and any rating organizations that wish to be established, and the amount of those costs has been evaluated.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and

the expansion of businesses currently operating in the state. The Commissioner is unaware of any effect that these regulations will have on jobs or businesses in California.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

IMPACT ON HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner has determined that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments will not have an impact on small businesses. However, insurance companies and workers' compensation rating organizations, which will also be affected, are by definition not small businesses, pursuant to Paragraphs (b)(2) and (b)(6) of Government Code section 11342.610.

COMPARABLE FEDERAL LAW

There is not comparable federal law to these proposed regulations.

TEXT OF REGULATIONS AND STATEMENTS OF REASONS

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. Requests for the Fi-

nal Statement of Reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find at the righthand side of the page the heading "QUICK LINKS." The third item in this column under this heading is "For Insurers"; on the drop-down menu for this item, select "Legal Information." When the "INSURERS: LEGAL INFORMATION" screen appears, click the third item in the list of bulleted items near the top of the page: "Proposed Regulations." The "INSURERS: PROPOSED REGULATIONS" screen will be displayed. Select the only available link: "Search for Proposed Regulations." Then, when the "PROPOSED REGULATIONS" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To browse, click on the "Currently Proposed Regulations" link. A list of the names of regulations for which documents are posted will appear. Find in the list the "Rating Organization Web Site Reg.-AB 483" link, and click it. Links to the documents associated with these regulations will then be displayed.

To search, enter "REG-2010-00006" (the Department's regulation file number for these regulations) in the search field. Alternatively, search by keyword ("workers' compensation," for example, or "rating organization"). Then, click on the "Submit" button to display links to the various filing documents.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available

but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. NEW MOTOR VEHICLE BOARD

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California New Motor Vehicle Board ("Board"), pursuant to the authority vested in it by Vehicle Code section 3050(a), proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend sections 567, 583, 591, 593.1, and 593.3 of Title 13 of the California Code of Regulations pertaining to appeals, protests and notices.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered an initial draft of the proposed regulations at a noticed meeting held on February 11, 2008. At that meeting comments were received by members of the industry. Based on those comments and those of its members, the Board revised the proposed text. The proposed text was adopted at a noticed meeting held on February 4, 2010. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to the Board's Public Mailing List and Electronic Public Mailing List, a list of approximately 90–100 individuals, entities and governmental agencies who have requested notification by the Board of pending Board matters, and the 38 California New Car Dealers Association Directors. The agenda was also posted on the Board's website. No comments by the public were received at the February 4, 2010, General Meeting, and no further public discussions were held prior to publication of the notice.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized

representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 323–1632 or by e-mail at rparker@nmvb.ca.gov or nmvb@nmvb.ca.gov. The written comment period closes at 5:00 p.m. on Monday, December 20, 2010. The Board will consider only comments received at the Board's offices by that time. Submit comments to:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323–1536 direct line
(916) 445–1888 main line
(916) 323–1632 fax
rparker@nmvb.ca.gov

AUTHORITY AND REFERENCE

Vehicle Code section 3050(a) authorizes the Board to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Vehicle Code sections 3050, 3060, 3062, 3064, 3065, 3066, 3070, 3072, 3074, 3075, and 11713.3; Civil Code section 1795.2; and *Caressa Camille, Inc. v. Alcoholic Beverage Control Appeals Bd.* (2002) 99 Cal.App.4th 1094.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

The adopted mission of the Board is to: “. . . enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner. The adopted vision statement provides that the Board safeguard for its “constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves relations and reduces the need for costly litigation and develop methods that further improve the delivery of Board services in a timely and cost-effective manner. . . .”

The Board proposes to amend Section 567 to clarify who can sign a notice of appeal and who can represent

an appellant that is a corporation or is a natural person or other legal entity. It is consistent with the opinion in *Caressa Camille, Inc. v. Alcoholic Beverage Control Appeals Bd.* (2002) 99 Cal.App.4th 1094, which allows non-attorneys to represent corporations in administrative proceedings.

The Board proposes to amend Section 583 to clarify who can sign a protest and who can represent a protestant that is a corporation or is a natural person or other legal entity. It is consistent with the opinion that allows non-attorneys to represent corporations in administrative proceedings (*Caressa Camille, Inc. v. Alcoholic Beverage Control Appeals Bd.* (2002) 99 Cal.App.4th 1094). It also clarifies that a separate protest is required if there is more than one franchise.

The Board proposes to amend Section 591 to clarify that it pertains to merits hearings. It also eliminates the reference to “registered” mail and replaces it with “certified” mail. This amendment is consistent with Section 550.20 of the Board’s regulations. In addition, the amendments clarify that the order of time and place of merits hearing shall be sent via certified mail to the protesting franchisee, all parties, and to individuals and groups that have requested such notice. The amendments also correct the spelling of “franchisor”.

The Board proposes to amend Section 593.1 to encompass termination/refusal to renew and modification notices in addition to establishment, relocation, and off-site sales notices. The regulation requires that notices be separately issued to each franchisee and separately issued for each line-make represented by a franchisee. This is consistent with the Vehicle Code and the Board’s practice. Furthermore, this regulation clarifies that notices shall not be combined to include more than one franchisee nor combined to include more than one line-make.

The Board proposes to amend Section 593.3 to reference in the “Note” the recreational vehicle statutes commencing with Vehicle Code section 3070. The Board has the authority to ask the Department of Motor Vehicles to take licensing action against a manufacturer or distributor for failure to file or to timely file statutorily required notices, schedules or formulas. Section 593.3 was never amended to encompass the RV industry therefore there is no existing authority for the Board to ask DMV to take licensing action in the event an RV manufacturer or distributor fails to submit these statutorily required documents.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination:

The Board has determined that the proposed regulations will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation. The proposed regulations merely clarify appeals and protests for franchised new motor vehicle dealers and their franchisors (new vehicle manufacturers or distributors) who choose to file a protest or appeal with the Board. They also clarify the issuance of notices by franchisors.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial state-

ment of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Parker at the following address:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323-1536 direct line
(916) 445-1888 main line
(916) 323-1632 fax
rparker@nmvb.ca.gov

The back-up contact person for these inquiries is:

Polly Riggenschach, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323-1282 direct line
(916) 445-1888 main line
(916) 323-1632 fax
priggenschach@nmvb.ca.gov

**AVAILABILITY OF THE STATEMENT OF
REASONS, TEXT OF PROPOSED
REGULATIONS, AND RULEMAKING FILE**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and all the information upon which the proposal is based. Copies may be obtained by contacting Ms. Parker, the contact person, or Ms. Riggenschach, the back-up contact person.

**AVAILABILITY OF CHANGES OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for copies of any modified regulation should be addressed to the Board contact person or back-up contact person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Parker or Ms. Riggenschach at the above address.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout font can be accessed through the Board's website at www.nmvb.ca.gov.

**TITLE 13. NEW MOTOR VEHICLE
BOARD**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California New Motor Vehicle Board ("Board"), pursuant to the authority vested in it by Vehicle Code section 3050(a), proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend sections 551.14, 555.1, and 584 of Title 13 of the California Code of Regulations pertaining to Code of Civil Procedure references.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered an initial draft of the proposed regulations at a noticed meeting held on February 11, 2008. At that meeting comments were received by members of the industry. Based on those comments and those of its members, the Board revised the proposed text. The proposed text was adopted at a noticed meeting held on February 4, 2010. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to the Board's Public Mailing List and Electronic Public Mailing List, a list of approximately 90-100 individuals, entities and governmental agencies who have requested notification by the Board of pending Board matters, and the 38 California New Car Dealers Association Directors. The agenda was also posted on the Board's website. No comments by the public were received at the February 4, 2010, General Meeting, and no further public discussions were held prior to publication of the notice.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 323-1632 or by e-mail at rparker@nmvb.ca.gov or nmvb@nmvb.ca.gov. The written comment period closes at 5:00 p.m. on Monday, December 20, 2010. The Board will consider only comments received at the Board's offices by that time. Submit comments to:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323-1536 direct line
(916) 445-1888 main line
(916) 323-1632 fax
rparker@nmvb.ca.gov

AUTHORITY AND REFERENCE

Vehicle Code section 3050(a) authorizes the Board to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Code of Civil Procedure sections 1013a and 2015.5, and Vehicle Code section 3050.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

The adopted mission of the Board is to: “. . .enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner.” The adopted vision statement provides that the Board safeguard for its “constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves relations and reduces the need for costly litigation and develop methods that further improve the delivery of

Board services in a timely and cost-effective manner. . .”

The Board proposes to amend Section 551.14 pertaining to requests for informal mediation by adding “manufacturer” for consistency with the other regulations and to correct an oversight. The proposed regulations change an inaccurate reference to Code of Civil Procedure section 1013(a). The proper reference is section 1013a. This is consistent with changes recommended in Sections 555.1 and 584.

The Board proposes to amend Section 551.1 pertaining to the service of a petition upon the respondent(s). The proposed regulations change an inaccurate reference to Code of Civil Procedure section 1013(a). The proper reference is section 1013a. This is consistent with changes recommended in Sections 551.14 and 584.

The Board proposes to amend Section 584 pertaining to service of the protest upon the franchisor. The proposed regulations change an inaccurate reference to Code of Civil Procedure section 1013(a). The proper reference is section 1013a. This is consistent with changes recommended in Sections 551.14 and 555.1.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination:

The Board has determined that the proposed regulations will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation. The proposed regulations merely correct an inaccurate reference to the Code of Civil Procedure pertaining to service and proof of service for franchised new motor vehicle dealers and their franchisors (new vehicle manufacturers or distributors) that choose to file a request for informal mediation, petition or protest with the Board.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Parker at the following address:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323-1536 direct line
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The back-up contact person for these inquiries is:

Polly Riggenschach, Staff Counsel
New Motor Vehicle Board
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Sacramento, CA 95811
(916) 323-1282 direct line
(916) 445-1888 main line
(916) 323-1632 fax
priggenschach@nmvb.ca.gov

AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and all the information upon which the proposal is based. Copies may be obtained by contacting Ms. Parker, the contact person, or Ms. Riggenschach, the back-up contact person.

AVAILABILITY OF CHANGES OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for copies of any modified regulation should be addressed to the Board contact person or back-up contact person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Parker or Ms. Riggenschach at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in

underline and strikeout font can be accessed through the Board's website at www.nmvb.ca.gov.

TITLE 13. NEW MOTOR VEHICLE BOARD

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California New Motor Vehicle Board ("Board"), pursuant to the authority vested in it by Vehicle Code section 3050(a), proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add section 551.21 of Title 13 of the California Code of Regulations pertaining to sanctions — bad faith actions.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered an initial draft of the proposed regulations at a noticed meeting held on February 11, 2008. At that meeting comments were received by members of the industry. Based on those comments and those of its members, the Board revised the proposed text. The proposed text was adopted at a noticed meeting held on February 4, 2010. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to the Board's Public Mailing List and Electronic Public Mailing List, a list of approximately 90–100 individuals, entities and governmental agencies who have requested notification by the Board of pending Board matters, and the 38 California New Car Dealers Association Directors. The agenda was also posted on the Board's website. No comments by the public were received at the February 4, 2010, General Meeting, and no further public discussions were held prior to publication of the notice.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 323–1632 or by e-mail at rparker@nmvb.ca.gov or nmvb@nmvb.ca.gov. The written comment period closes at 5:00 p.m. on Monday, December 20, 2010. The Board will consider only comments received at the Board's offices by that time. Submit comments to:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323–1536 direct line
(916) 445–1888 main line
(916) 323–1632 fax
rparker@nmvb.ca.gov

AUTHORITY AND REFERENCE

Vehicle Code section 3050(a) authorizes the Board to adopt the proposed regulation. The proposed regulation implements, interprets, and makes specific Code of Civil Procedure section 128.5; Government Code section 11455.3; and *Nader Automotive Group, LLC, et al. v. New Motor Vehicle Board* (2009) 178 Cal.App.4th 1478.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

The adopted mission of the Board is to: “. . .enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner. The adopted vision statement provides that the Board safeguard for its “constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves relations and reduces the need for costly litigation and develop methods that further improve the delivery of Board services in a timely and cost-effective manner. . . .”

The Board proposes to add Section 551.21 pertaining to the issuance of sanctions for bad faith actions.

Section 551.21(a) provides that a Board administrative law judge may recommend ordering a party, a party's representative, or both, to pay reasonable sanctions (attorney's fees and costs) incurred by another

party as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay.

Section 551.21(b) provides that an award of sanctions shall not be recommended without providing notice and an opportunity to be heard.

Section 551.21(c) provides that a determination of bad faith by a party shall be determined by the administrative law judge based upon testimony under oath or other evidence. Furthermore, the proposed order recommending sanctions shall be on the record or in writing, setting forth the factual findings on which the sanctions are based and the factual findings as to the reasonableness of the amount(s) to be paid.

Section 551.21(d) provides that a proposed order recommending an award of sanctions is considered by the Board members at their next regularly scheduled meeting. A determination not to award sanctions is not considered by the Board and is final upon issuance by the administrative law judge.

Section 551.21(e) provides that the Board members' consideration to affirm, reject or modify the administrative law judge's award of sanctions does not alone constitute grounds for continuance of any previously scheduled dates in the proceeding.

The proposed regulation references the recently published opinion in *Nader Automotive Group, LLC, et al. v. New Motor Vehicle Board* (2009) 178 Cal.App.4th 1478. It is consistent with the Administrative Procedure Act (Gov. Code § 11455.30) and the Office of Administrative Hearing's regulation, 1 CCR § 1040.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination:

The Board has determined that the proposed regulations will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation. The proposed regulations clarify case management for franchised new motor vehicle dealers and their franchisors (new vehicle manufacturers or distributors) that choose to file a protest, petition or appeal with the Board and provide a mechanism for the Board to issue sanctions for bad faith actions.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Parker at the following address:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323-1536 direct line
(916) 445-1888 main line
(916) 323-1632 fax
rparker@nmvb.ca.gov

The back-up contact person for these inquiries is:

Polly Riggenschach, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323-1282 direct line
(916) 445-1888 main line
(916) 323-1632 fax
priggenschach@nmvb.ca.gov

AVAILABILITY OF THE STATEMENT OF
REASONS, TEXT OF PROPOSED
REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and all the information upon which the proposal is based. Copies may be obtained by contacting Ms. Parker, the contact person, or Ms. Riggenschach, the back-up contact person.

AVAILABILITY OF CHANGES
OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for copies of any modified regulation should be addressed to the Board contact person or back-up contact person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Parker or Ms. Riggenschach at the above address.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout font can be accessed through the Board's website at www.nmvb.ca.gov.

**TITLE 14. DEPARTMENT OF PARKS
AND RECREATION**

**TITLE 14. NATURAL RESOURCES
DIVISION 3. CALIFORNIA DEPARTMENT OF
PARKS AND RECREATION
CHAPTER 11.8. HABITAT
CONSERVATION FUND**

[Notice published November 5, 2010]

NOTICE OF PROPOSED RULEMAKING

The California Department of Parks and Recreation (Department) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department has scheduled a public hearing on this proposed action from 9:00 a.m. to 11:00 a.m., on December 21, 2010 at Old Fair Oaks Library, located at 4150 Temescal Street, Fair Oaks, California 95628. The Old Fair Oaks Library is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at **5:00 p.m. on December 20, 2010**. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Ms. Cristelle Taillon
Office of Grants and Local Services
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001
Email: ctaillon@parks.ca.gov
Fax: (916) 653-6511
Phone: (916) 654-8686

AUTHORITY AND REFERENCE

Commencing with Fish and Game Code (FGC) §2780, the Department is authorized to oversee and manage grants to eligible entities for the purposes stated within its provisions.

AUTHORITY

FGC §2780

REFERENCES

California Fish and Game Code, Sections 2720 through 2729, and Sections 2780, 2781, and 2785-2799.6

California Government Code Sections 7550 through 7550.6

California Public Resources Code, Sections 5900 through 5903, Section 5910, Section 5917 and 5919, Section 5929, Section 31011, Section 33216, and Division 23, commencing with Section 33000

Tobacco Tax and Health Protection Act of 1988

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Habitat Conservation Fund (HCF) was established through the California Wildlife Protection Act of 1990 (Act). The Act provides state funds to assist the State in protecting, restoring, and enhancing wildlife habitat and fisheries that are vital to maintain California's quality of life. The impacts of the increase in the State's human population results in an urgent need to fund projects that protect rapidly disappearing wildlife habitats that support California's unique and varied wildlife resources.

In response to this need, the people of California voted to enact the Act, Chapter 9, FGC §2780 through 2799.6, which largely defines the HCF Program. Other legislation that impacts the program includes FGC §2720-2729, Government Code §7550-7550.6 and Section 13340, and Public Resources Code (PRC)

§5900 through 5903, Section 5096.310, Section 21000, and Section 33216, and the Tobacco Tax and Health Protection Act of 1988.

The underlying concepts for the program are derived, in part, from the applicable sections of Proposition 117 as in enacted in the following FGC Sections:

FGC §2786 (a) through (f): “. . .the money in the Habitat Conservation Fund, which is hereby created, shall be used for the following purposes:

- a) The acquisition of habitat, including native oak woodlands, necessary to protect deer and mountain lions.
- b) The acquisition of habitat to protect rare, endangered, threatened, or fully protected species.
- c) The acquisition of habitat to further implement the Habitat Conservation Program pursuant to Article 2 (commencing with Section 2721) excepting Section 2722 and subdivision (a) of Section 2723, and §§2724 and 2729.
- d) The acquisition, enhancement, or restoration of wetlands.
- e) The acquisition, restoration, or enhancement of aquatic habitat for spawning and rearing of anadromous salmonids and trout resources.
- f) The acquisition, restoration, or enhancement of riparian habitat

FGC §2787 (a)(3) through (f) “Two million dollars for 50 percent matching grants to local agencies. . .for the acquisition of wildlife corridors and urban trails, nature interpretation program, and other programs which bring urban residents into park and wildlife areas. . .”

The funds are allocated to the Department of Parks and Recreation annually each fiscal year until July 1, 2020, unless a later enacted statute, which becomes effective on or before July 1, 2020, deletes or extends that date.

Policies and procedures for the HCF Program were developed to comply with the above-mentioned State regulations. Over time, the Department has developed Procedural Guides to update and provide more guidance for the administration of the program. The procedural guides have never been submitted to the Office of Administrative Law process for review and approval.

INCORPORATION BY REFERENCE

The Department proposes to incorporate by reference the following eight (8) HCF Application and Grant Administration Guides (hereinafter referred to as “Guides”):

1. Habitat Conservation Fund Administrative Guide Revised Draft March 31, 2010

2. Habitat Conservation Fund Deer and Mountain Lion Habitat Application Guide Revised Draft March 31, 2010
3. Habitat Conservation Fund Rare, Endangered, Threatened, or Fully Protected Species Habitat Guide Revised Draft March 31, 2010
4. Habitat Conservation Fund Trails Guide Revised Draft March 31, 2010
5. Habitat Conservation Fund Wildlife Area Activities Guide Revised Draft March 31, 2010
6. Habitat Conservation Fund Wetlands Guide Revised Draft March 31, 2010
7. Habitat Conservation Fund Riparian Habitat Guide Revised Draft March 31, 2010
8. Habitat Conservation Fund Anadromous Salmonids and Trout Habitat Guide Revised Draft March 31, 2010

The Department proposes to implement, interpret, and make specific the requirements listed in the aforementioned California Fish and Game Codes.

DISCLOSURES REGARDING THE PROPOSED ACTION

Economic Impact Statement: The adoption of the proposed regulation will not affect individuals, businesses and/or employees, small businesses, jobs or occupations, or California competitiveness. The proposed regulation merely incorporates the Guides for an existing HCF grant program. Only California governmental organizations with management responsibilities over public lands in the state of California are eligible to compete for grants under the HCF Program.

Estimated Costs:

1. Impacts on Jobs/Businesses/Private Persons

The adoption of the proposed regulation will not impact businesses or individuals. Only governmental organizations with management responsibilities over public lands are eligible to compete for grants under the HCF.

Pursuant to Gov. Code sec. 11346.5(a)(10), the Department has determined that the proposed action will not affect the creation/elimination of California jobs and the creation of new, or elimination/expansion of California businesses.

Pursuant to Gov. Code sec. 11346.5(a)(9), the Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Pursuant to Gov. Code sec. 11346.5(a)(8), the Department makes the initial determination that this proposed action will not have a significant, statewide ad-

verse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Pursuant to title 1, CCR, section 4, these proposed regulations will not affect small business because only governmental organizations with management responsibilities over public lands are eligible to compete for grants under the HCF.

2. Impacts on multiple industries

The adoption of the proposed regulation will not impact multiple industries. Only governmental organizations with management responsibilities over public lands are eligible to compete for grants under the HCF.

3. Reporting requirements

The adoption of the proposed regulation will not impose a business reporting requirement on the business community. Only California governmental organizations with management responsibilities over public lands in the state of California are eligible to compete for grants under the HCF.

4. Housing costs

The adoption of the proposed regulation will not impact housing costs.

5. Comparable Federal regulations

There are no comparable Federal regulations that affect the HCF.

Fiscal Impact Statement: The proposed regulation does not create a mandate nor does it create mandated costs on local government, local agencies, or school districts. The proposed regulation incorporates by reference the Guides, an existing, discretionary grant program. Participation in the HCF Program by local government and local agencies is strictly voluntary.

Fiscal Effect on State Government: The proposed regulation incorporates by reference the Guides for an existing grant program. The publication of this regulation will not create additional costs or savings to any State agency.

Fiscal Effect on Federal Funding to the State: The proposed regulation will not create any costs or savings in federal funding to the state.

There are no other non-discretionary cost or savings imposed upon local agencies.

There are no costs to any local agency or school district requiring reimbursement pursuant to Gov. Code sec. 17500 et seq.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the pur-

pose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Ms. Cristelle Taillon
Office of Grants and Local Services
California Department of Parks and Recreation
1416 Ninth Street, Room 918
P.O. Box 942896
Sacramento, CA 94296-0001
Email: ctaillon@parks.ca.gov
Fax: (916) 653-6511
Phone: (916) 654-8686

The backup contact person for these inquiries is:

Deborah Viney
Office of Grants and Local Services
Department of Parks and Recreation
1416 9th Street, Room 918
Sacramento, CA 95814-5510
Email: dvine@parks.ca.gov
Fax: (916) 653-6511
Phone: (916) 651-8572

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the Initial Statement of Reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Cristelle Taillon at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Department will have the entire rule making file available for inspection and copying throughout the rule making process at its office at the above address. As of the date the notice is published in the Notice Register, the rulemaking file consists of (1) this notice, (2) the proposed text of the regulation (the Guides), (3) the Initial Statement of Reasons, (4) California Code §7550, (5) FGC §2720-2729, (6) FGC §2780-2799, (7) Public Resources Codes §2100-2106, §5900-5903, §5910-5929, and §33000-33010.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulation substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Cristelle Taillon at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Cristelle Taillon at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the Guides can be accessed through the Department’s website at www.parks.ca.gov/ and by following the links to *Grants and Bonds* and then to *Annual and Specified Programs* then to the *HCF Program*.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor’s signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication November 03, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Burbank Avenue Elementary School Project
(2080–2010–055–03)
Sonoma County

The Department of Fish and Game (Department) received a notice on October 20, 2010 that the Roseland School District proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action includes the construction of a new elementary school with associated facilities on an 11.4-acre site located in Santa Rosa.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. 81420–2009–F–0573)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on June 17, 2009 which considered the effects of the project on the Federally and State threatened California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code Section 2080.1, the Roseland School District is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the Roseland School District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080–2010–049–03

Project: Gas Line 303ILI Repair Project

Location: Contra Costa and Alameda Counties

Applicant: Pacific Gas and Electric Company

Background

The Pacific Gas and Electric Company (PG&E) proposes to inspect anomalies and repair corrosion at three sites along the PG&E Line 303 gas pipeline to ensure

that it functions properly and safely (Project). Sites 1 and 2 are located near Camino Diablo Road in Contra Costa County. Site 3 is located in Alameda County just north of the City of Livermore.

Pipeline repair work associated with the Project is scheduled to occur during the 2011 dry season (April 1 through November 1). At all three repair sites, the 36-inch diameter pipeline will be exposed, inspected, and repaired. The repair will require a 50-foot x 50-foot work area which will be delineated by environmentally sensitive area fencing. Each pipeline anomaly will require excavation of a 10-foot x 20-foot hole in order to expose the anomaly and facilitate inspection and potential repair work. Soil from the excavation will be stockpiled alongside the pipe, within the work area and outside of any wetland areas. In areas where wetlands cannot be avoided PG&E will excavate soil from the area in layers and will stockpile each distinct layer in a separate pile. After the pipe has been exposed, examined, and repaired, a protective epoxy coat will be applied and the pipe trench will be backfilled. Layered soil from wetland areas will be replaced as they were found. The temporarily impacted areas will then be restored to pre-construction conditions using a native seed mix appropriate for the area.

The Project activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*). California tiger salamander is designated as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).) San Joaquin kit fox is designated as an endangered species under the ESA (16 U.S.C. § 1531 et seq.) and a threatened species under CESA (Fish & G. Code, § 2050 et seq.). (Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E).)

In particular, California tiger salamander and San Joaquin kit fox could be incidentally taken by being entombed in their burrows, trapped in pipes or trenches, buried or crushed, hit and injured or killed by vehicle strikes, harassed by noise and vibration, and indirectly affected by invasive exotic plants whose numbers may be increased by habitat disturbance.

California tiger salamander are documented as present less than 1 mile from the Project site and there is suitable California tiger salamander habitat within and adjacent to the Project site. San Joaquin kit fox have been documented approximately 0.5 miles from Sites 1 and 2 at the intersection of Marsh Creek Road and Camino Diablo Road and approximately 3.1 miles from Site 3. Because of the proximity of the nearest documented California tiger salamander and San Joaquin kit fox, the species' dispersal patterns, and the presence of

suitable habitat at the Project site, the United States Fish & Wildlife Service (Service) determined that Project activities are expected to result in the incidental take of California tiger salamander and San Joaquin kit fox. According to the Service, Project construction will result in the temporary loss of 0.5 acres of suitable California tiger salamander and San Joaquin kit fox habitat.

Because the Project is expected to result in take of species designated as threatened and endangered under the federal ESA, the United States Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On November 2, 2009, the Service issued a biological opinion (Service file No. 84120-2009-F-0782-1) (BO) to the Corps. The BO describes the Project, requires PG&E to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. On January 7, 2010, the Service issued an amendment to the BO (Service file No. 84120-2009-F-0782-2) following re-initiation by the Corps to clarify the minimization and mitigation measures for San Joaquin kit fox. On August 30, 2010, the Service issued a second amendment to the BO (Service file No. 81420-2009-F-0782-R001) (the BO and two amendments are collectively referred to as the Amended BO) to clarify minimization and mitigation measures for the California tiger salamander.

On September 20, 2010, the Director of the Department of Fish and Game (DFG) received a notice from PG&E requesting a determination, pursuant to Fish and Game Code section 2080.1, that the Amended BO and its related ITS are consistent with CESA for purposes of the Project, California tiger salamander, and San Joaquin kit fox. (See Cal. Reg. Notice Register 2010, No. 40-Z, p. 1600.)

Determination

DFG has determined that the Amended BO, including the ITS, is consistent with CESA as to the Project, California tiger salamander and San Joaquin kit fox because the mitigation measures contained in the Amended BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that: (1) take of California tiger salamander and San Joaquin kit fox will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the Amended BO and ITS will minimize and fully mitigate the impacts of the authorized take; (3) PG&E has ensured adequate funding to implement the required avoidance, minimization and mitigation measures and to monitor compliance with and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of California tiger salamander and San Joaquin kit fox. The miti-

gation measures in the Amended BO and ITS include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- PG&E will purchase 1.5 acres of California tiger salamander habitat credits and 0.5 acres of San Joaquin kit fox habitat credits from a Service and DFG approved conservation bank(s). PG&E will provide the Service and DFG with a copy of the credit purchase agreement(s) for the required credits.
- PG&E will revegetate areas disturbed as a result of the Project with an appropriate assemblage of native riparian, wetland, and upland vegetation.
- Surveys for California tiger salamander and San Joaquin kit fox will be conducted by a DFG and Service-approved biologist two weeks before Project activities commence. If California tiger salamanders are found, the Service and DFG will be contacted to determine if relocation is appropriate.
- A worker training session covering California tiger salamander and San Joaquin kit fox will be conducted for all construction personnel.
- Work activities will be completed between April 1 and November 1. Should PG&E demonstrate a need to conduct activities outside this period, the Corps may authorize such activities after obtaining approval from the Service and DFG.
- To prevent inadvertent entrapment of California tiger salamanders and San Joaquin kit fox, all excavated, steep-walled holes or trenches more than 6-inches deep will be covered at the close of each working day with plywood or similar material, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before holes or trenches are filled, they will be thoroughly inspected for trapped California tiger salamander or San Joaquin kit fox.
- A Service and DFG-approved biologist will be present at the Project sites until all minimization and avoidance measures have been completed.

Monitoring and Reporting Measures

- PG&E will notify the Service and DFG within one working day of the finding of any injured California tiger salamander or any unanticipated damage to California tiger salamander habitat.

Financial Assurances

- PG&E will provide, subject to review and approval by the Service and DFG, a cost estimate for the restoration and revegetation of temporary impacts. Upon approval of the cost estimate, and prior to the initiation of Project activities PG&E

will provide DFG with a financial commitment in a form approved by DFG's Office of the General Counsel to ensure performance of the restoration and revegetation of temporary impacts.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of California tiger salamander and San Joaquin kit fox, provided PG&E implements the Project as described in the Amended BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Amended BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Amended BO or ITS, PG&E shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).)

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**

For Publication November 03, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Santa Maria Public Airport District Master Plan
Update Phase I Projects
(2080-2010-054-05)
Santa Barbara County

The Department of Fish and Game (Department) received a notice on October 19, 2010 that the Santa Maria Public Airport District proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves extension of runway 12/30, construction of a runway safety area, extension and connection of west parallel taxiway A, relocation of a perimeter fence, grading for the runway safety area and object free area, import of fill for various projects, repainting of runway markings, and construction of a new storm drain system.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (File No. 81440-2009-F-0303)(BO) and incidental take statement (ITS) to the Federal Aviation Administration on December 10, 2009 which considered the effects of the project on the Federally and State threatened California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code Section 2080.1, the Santa Maria Public Airport District is requesting a determination that the BO and ITS are con-

sistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the Santa Maria Public Airport District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DECISION NOT TO PROCEED

STATE BOARD OF EDUCATION

Title 5. EDUCATION

NOTICE OF DECISION NOT TO PROCEED

Inclusion of Middle School Dropouts in the Academic Performance Index
SB 219 Regulations

Pursuant to Government Code section 11347, the State Board of Education (SBE) has decided not to proceed with title 5, division 1, chapter 2, subchapter 4, section 1039.1 (Notice File No. Z2010-0511-03), published May 21, 2010, in the California Regulatory Notice Register 2010, No. 21-Z, page 722), and withdraws this proposed action from further consideration.

The SBE will also publish this Notice of Decision Not to Proceed on the California Department of Education's Web site at <http://www.cde.ca.gov/re/lr/rr>.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0914-03

AIR RESOURCES BOARD

High Global Warming Potential Refrigerants

In this regulatory action, the Air Resources Board adopts new regulations pertaining to the "Management of High Global Warming Potential Refrigerants for Stationary Sources." The purpose of these regulations is to reduce emissions of high global warming potential (high-GWP) refrigerants from stationary, non-residen-

tial refrigeration equipment and from the installation and servicing of stationary refrigeration and air-conditioning appliances using high-GWP refrigerants. These regulations implement provisions of the California Global Warming Solutions Act of 2006 (AB 32, Chapter 488, Statutes of 2006).

Title 17

California Code of Regulations

ADOPT: 95380, 95381, 95382, 95383, 95384, 95385, 95386, 95387, 95388, 95389, 95390, 95391, 95392, 95393, 95394, 95395, 95396, 95397, 95398

Filed 10/20/2010

Effective 11/19/2010

Agency Contact: Amy Whiting (916) 322-6533

File# 2010-1012-03

CALIFORNIA HORSE RACING BOARD

Authorized Medication

The California Horse Racing Board submitted this action to amend the dosage and surveillance requirements for administering procaine to race horses prior to a race, as provided in title 4, California Code of Regulations, section 1844.

Title 4

California Code of Regulations

AMEND: 1844

Filed 10/26/2010

Effective 11/25/2010

Agency Contact: Harold Coburn (916) 263-6397

File# 2010-1011-01

COMMISSION ON STATE MANDATES

General Cleanup Provisions

This regulatory action by the Commission on State Mandates updates multiple sections of Title 2 of the California Code of Regulations. The purpose of the regulation is to encourage the use of electronic filing, move all subvention claim matters to Article 7 quasi-judicial hearings, and clarify procedures designed to reduce fiscal and environmental costs of the mandates process.

Title 2

California Code of Regulations

ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5

Filed 10/27/2010

Effective 01/01/2011

Agency Contact: Heidi Palchik (916) 323-8218

File# 2010-0916-05

DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Eradication Area

This is the certification of compliance for the formal adoption of the emergency action filed with the Secretary of State on May 17, 2010, adding the county of Imperial to the Mediterranean fruit fly eradication area.

Title 3

California Code of Regulations

AMEND: 3591.5(a)

Filed 10/21/2010

Effective 10/21/2010

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2010-0916-01

DEPARTMENT OF INSURANCE

California Low Cost Automobile Insurance Rates — 2010

This file/print rulemaking action amends existing provisions establishing the incorporated-by-reference “California Low Cost Automobile Insurance Low Cost Program Plan of Operations” by updating the “Exhibit E Private Passenger Automobile Liability Rates” by county.

Title 10

California Code of Regulations

AMEND: 2498.6

Filed 10/21/2010

Effective 12/20/2010

Agency Contact:

Bryant W. Henley (916) 492-3558

File# 2010-0921-09

DEPARTMENT OF PESTICIDE REGULATION

Methyl Bromide Field Fumigation

This regulatory action revises the limits on the amount of methyl bromide that can be applied in any calendar month in any township; specifies buffer zone sizes; revises hours that workers may be engaged in application; and clarifies the description of the certified respirator that must be used.

Title 3

California Code of Regulations

AMEND: 6447, 6447.2, 6784

Filed 10/27/2010

Effective 11/26/2010

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

File# 2010-1018-01

DEPARTMENT OF RESOURCES RECYCLING
AND RECOVERY

Electronic Waste Recycling Consumer Fee

This rulemaking action amends section 18660.40 of Title 14 of the California Code of Regulations and lowers the recovery and recycling fees paid by consumers when purchasing video-screen electronic devices to the statutory minimum fees established by California Public Resources Code Section 42464. This amendment is adopted as an emergency regulation pursuant to California Public Resources Code Section 42475.2.

Title 14

California Code of Regulations

AMEND: 18660.40

Filed 10/27/2010

Effective 10/27/2010

Agency Contact: Harlee Branch (916) 341-6056

File# 2010-0921-06

OCCUPATIONAL SAFETY AND HEALTH

STANDARDS BOARD

Pile Driving and Pile Extraction

This regulatory action establishes standards for pile driving and pile extractions that address 1) blocking devices, 2) pressurized lines and hoses, 3) access to pile leads, 4) access to sheet piles, 5) specific requirements for pile driving, pile hammers and vibratory pile hammers, 6) hoist drums, 7) pile leads, 8) pile driving rig stability, 9) pile extraction, and 10) storing piles.

Title 8

California Code of Regulations

ADOPT: 1600.1 AMEND: 1600, 1601

Filed 10/27/2010

Effective 11/26/2010

Agency Contact: Marley Hart (916) 274-5721

File# 2010-0916-02

OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT

Patient Disposition (ED, AS) and Prin Lang Spoken (IP, ED, AS) update

The Office of Statewide Health Planning and Development (OSHDP) submitted this rulemaking action to amend definitions of specific data reporting terms in Title 22, California Code of Regulations, sections 97234, 97264, and 97267.

Title 22

California Code of Regulations

AMEND: 97234, 97264, 97267

Filed 10/26/2010

Effective 01/01/2011

Agency Contact: Irene Ogbonna (916) 326-3937

File# 2010-0914-01

STATE LANDS COMMISSION

Performance Standards (ballast water discharge)

This rulemaking adopts a new section in Title 2 of the California Code of Regulations. This new section incorporates by reference two forms. These forms are the reports that are required to be made to the California State Lands Commission by the master, owner, operator, agent, or person in charge of a vessel that has a ballast water treatment system installed on board and has discharged treated ballast in the waters of the state. The reports include information regarding the installation and use of ballast water treatment technologies. Other information required includes the use and maintenance of the ballast water treatment systems. The reports require information about the installation of these systems as well as the materials used within the systems.

Title 2

California Code of Regulations

ADOPT: 2297.1

Filed 10/26/2010

Effective 11/25/2010

Agency Contact: Maurya B. Falkner (916) 574-0742

File# 2010-0913-02

STATE PERSONNEL BOARD

Hearings and Appeals

This regulatory action establishes the procedures for requesting accommodations for persons with disabilities at SPB administrative hearings. It also describes the possible outcomes for such requests.

Title 2

California Code of Regulations

ADOPT: 58.8 AMEND: 59.3

Filed 10/21/2010

Effective 10/21/2010

Agency Contact: John D. Smith (916) 651-1041

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN May 26, 2010 TO
October 27, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of

the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

10/27/10 ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5

10/26/10 ADOPT: 2297.1

10/21/10 ADOPT: 58.8 AMEND: 59.3

10/11/10 ADOPT: 599.937.4

10/07/10 AMEND: 51.1

10/07/10 AMEND: 51.2(u)

10/07/10 AMEND: div. 8, ch. 46, sec. 53500

10/05/10 AMEND: div. 8, ch. 79, sec. 56800

10/05/10 ADOPT: 1859.172 AMEND: 1859.162.3, 1859.171

10/04/10 AMEND: 1859.2, 1859.81

10/04/10 ADOPT: 642, 643, 644, 645 AMEND: 640, 641

09/27/10 AMEND: 18942, 18944.1

09/07/10 AMEND: Renaming of headings only, as follows: Article 4 of Chapter 1 to new Subchapter 1.2; Subarticles 1-10 of new Subchapter 1.2 to new Articles 1-10; and Chapters 1-5 of new Article 6 to new Subarticles 1-5.

09/02/10 ADOPT: 60804.1, 60815.1, 60820.1, 60855, 60856, 60857, 60858, 60859, 60860, 60861, 60862, 60863 AMEND: 60841, 60846, 60853 REPEAL: 60855

09/01/10 AMEND: 234, 548.70

09/01/10 AMEND: 234, 548.70

08/18/10 ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5, 52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1, 55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2, 58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11, 59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6 AMEND: 51 (renumbered to 51.1), 51.1 (renumbered to 51.2), 51.2 (renumbered to 52.4), 52.3 (renumbered to 52.6), 51.9 (renumbered to 52.7), 51.5 (renumbered to 52.9), 52.6 (renumbered to 55.2), 52.2 (renumbered to 58.3), 51.4 (renumbered to 58.4), 52.1 (renumbered to 58.5), 57.2 (renumbered to 59.1), 52.5 (renumbered to 60.2), 57.3 (renumbered to 60.3), 53.1 (renumbered

	to 66.1), 56 (renumbered to 67.1), 56.1 (renumbered to 67.2), 56.2 (renumbered to 67.3), 56.3 (renumbered to 67.4), 56.4 (renumbered to 67.5), 56.5 (renumbered to 67.6), 56.6 (renumbered to 67.7), 56.7 (renumbered to 67.8) REPEAL: 51.3, 52, 52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4, 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10, 65, 547, 547.1		
08/13/10	AMEND: 18707	07/07/10	ADOPT: 3591.24
07/08/10	AMEND: 18313.5(c)	07/01/10	AMEND: 3437
07/06/10	AMEND: 51000	06/30/10	AMEND: 3423(b)
07/01/10	AMEND: 1859.90.1	06/18/10	AMEND: 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1
06/24/10	ADOPT: 1859.90.1 AMEND: 1859.90.1 renumbered as 1859.90.2, 1859.129, 1859.197	06/10/10	ADOPT: 429, 430 AMEND: 441
06/24/10	AMEND: 47000, 47001, 47002	06/10/10	ADOPT: 3024.5, 3024.6, 3024.7, and 3024.8 AMEND: 3024, 3024.1, 3024.2, 3024.3, 3024.4, and 4603
06/23/10	AMEND: 1859.184	06/09/10	AMEND: 3434(b), (c), (d), and (e)
06/17/10	AMEND: 18703.3	06/07/10	AMEND: 4500
06/17/10	ADOPT: 18313.5	06/02/10	AMEND: 3435
06/09/10	AMEND: Div. 8, Ch. 64, Sec. 55300	06/01/10	AMEND: 3437(b)
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10/21/10	AMEND: 3591.5(a)	10/04/10	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036
10/18/10	AMEND: 3437(b)	09/29/10	AMEND: 8070, 8072, 8073, 8074
10/11/10	AMEND: 3558(a)	09/15/10	AMEND: 10323
10/11/10	AMEND: 3855	09/09/10	AMEND: 1766
10/06/10	ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4 AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6)	09/09/10	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164
10/01/10	AMEND: 3434(b)	08/30/10	ADOPT: 213.2 AMEND: 211, 213, 293, 405
09/27/10	AMEND: 3	08/20/10	AMEND: 130
09/27/10	AMEND: 3437	08/16/10	AMEND: 1689
09/22/10	AMEND: 3591.20(a)	07/29/10	ADOPT: 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5560, 5570, 5571, 5572, 5573, 5580, 5590
09/14/10	AMEND: 3434(b)	07/22/10	AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328, 10330, 10335, 10337
09/13/10	ADOPT: 3437	07/13/10	AMEND: 8034, 8035, 8042, 8043
09/09/10	AMEND: 3434(b)	07/12/10	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151,
09/02/10	AMEND: 3425(b)		
08/26/10	AMEND: 3406(b)		
08/26/10	AMEND: 3406(b)		
08/26/10	AMEND: 3434(b) & (c)		
08/26/10	ADOPT: 6531 AMEND: 6502, 6511, 6530		
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08/11/10	AMEND: 3437		
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		06/09/10	AMEND: 19824, 19851, 19854			
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 10/13/10 AMEND: 212.5
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 10/05/10 AMEND: 3395
 09/27/10 AMEND: 10232.2
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07/07/10 ADOPT: 1850.350(a), 1850.350(b),
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	2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31 REPEAL: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8		2462 and Title 17: 93116.1, 93116.2, 93116.3
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06/09/10	AMEND: 1005, 1018	08/11/10	AMEND: 895.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9 REPEAL: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 923.9.2, 943.9.2
06/09/10	AMEND: 1005, 1007, 1008	07/20/10	AMEND: 670.5
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10/12/10	ADOPT: 1235.7 AMEND: 1200, 1235.1, 1235.2, 1235.4, 1256	07/12/10	AMEND: 7.50
08/12/10	ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630	06/24/10	AMEND: 360, 361, 362, 363, 364, 555, 708, 713
07/29/10	REPEAL: 171.04	06/23/10	AMEND: 919.9, 939.9
07/23/10	ADOPT: 126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08, 127.10 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22	05/26/10	AMEND: 7.50
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		08/04/10	ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3,

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07/30/10	ADOPT: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1, 3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6 AMEND: 3349	05/27/10	AMEND: 314
07/27/10	REPEAL: 3999.2	Title 17	
07/22/10	ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6	10/20/10	ADOPT: 95380, 95381, 95382, 95383, 95384, 95385, 95386, 95387, 95388, 95389, 95390, 95391, 95392, 95393, 95394, 95395, 95396, 95397, 95398
07/13/10	ADOPT: 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504	10/13/10	AMEND: 30100, 30195 REPEAL: 30321, 30321.1, 30322
07/02/10	ADOPT: 8000, 8001, 8002	09/20/10	AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94515
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10/18/10	AMEND: 3394.3, 3394.4, 3394.6	09/02/10	AMEND: 94700, 94701
10/12/10	AMEND: 1399.501, 1399.511, 1399.520, 1399.525, 1399.526, 1399.527, 1399.545, 1399.550, 1399.556, 1399.573, 1399.612 REPEAL: 1399.508	08/30/10	ADOPT: 95550
09/30/10	AMEND: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4226, 4228, 4230, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4258, 4264	08/26/10	AMEND: 60201, 60203, 60207, 60210, 70300, 70301, 70302, 70303, 70303.1, 70303.5, 70304, 70305, 70306
09/29/10	AMEND: 109(b)(2), 109(b)(7), 117(e)(2), 121(a)(2)	06/29/10	AMEND: 100070, 100090
09/23/10	AMEND: 1391.1	06/17/10	ADOPT: 95460, 95461, 95462, 95463, 95464, 95465, 95466, 95467, 95468, 95469, 95470, 95471, 95472, 95473, 95474, 95475, 95476, Appendix 1
09/23/10	ADOPT: 1399.419.1, 1399.419.2	06/17/10	ADOPT: 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207 AMEND: 95104
09/22/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6	Title 18	
09/21/10	ADOPT: 1426.1, 1430, 1431 AMEND: 1420, 1421, 1422, 1423, 1424, 1425, 1425.1, 1426, 1427, 1428, 1428.6, 1429, 1430 (renumbered to 1432)	10/18/10	AMEND: 1020 REPEAL: 471
08/25/10	AMEND: 427.10, 427.30	08/26/10	AMEND: 1598
08/18/10	AMEND: 1721, 1723.1	07/19/10	ADOPT: 1698.5
08/12/10	AMEND: 2537, 2590	06/17/10	AMEND: 25136
07/30/10	ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6	Title 19	
07/21/10	REPEAL: 1569	07/13/10	AMEND: 2729.7 and Appendix B of Article 4
07/21/10	ADOPT: 2262.1 AMEND: 2262, 2276	06/17/10	ADOPT: 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067
07/09/10	AMEND: 3000, 3003, 3005, 3065 REPEAL: 3006	Title 20	
07/09/10	AMEND: 411	09/01/10	AMEND: 1601, 1602, 1604, 1605.3, 1606, 1607
07/09/10	AMEND: 3340.42	07/08/10	AMEND: 2401, 2402, Appendix, Subdivisions (a) and (b)
07/07/10	AMEND: 3028, 3061	Title 21	
06/30/10	AMEND: 1355.4	09/30/10	AMEND: 7000
06/21/10	ADOPT: 1525, 1525.1, 1525.2	06/02/10	AMEND: 1411.1, 1411.7
06/18/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6	Title 22	
06/07/10	ADOPT: 1702	10/26/10	AMEND: 97234, 97264, 97267
		10/06/10	AMEND: 100080
		10/06/10	AMEND: 100080
		08/23/10	AMEND: 926-3, 926-4, 926-5
		08/02/10	ADOPT: 119900
		07/26/10	REPEAL: 97300.1, 97300.3, 97300.5, 97300.7, 97300.9, 97300.11, 97300.13, 97300.15, 97300.17, 97300.19,

97300.21,	97300.23,	97300.25,	97321.98,	97321.99,	97321.101,
97300.27,	97300.29,	97300.31,	97321.103,	97321.105,	97231.107,
97300.33,	97300.35,	97300.37,	97321.109,	97321.111,	97321.113,
97300.39,	97300.41,	97300.43,	97321.115,	97321.117,	97321.119,
97300.45,	97300.47,	97300.49,	97321.121,	97321.123,	97321.125,
97300.51,	97300.53,	97300.55,	97321.127,	97321.129,	97321.131,
97300.57,	97300.59,	97300.61,	97321.133,	97321.135,	97321.137,
97300.63,	97300.65,	97300.67,	97321.139,	97321.141,	97321.143,
97300.69,	97300.71,	97300.73,	97321.145,	97321.147,	97321.149,
97300.75,	97300.77,	97300.79,	97322.1,	97322.3,	97322.5,
97300.81,	97300.83,	97300.85,	97322.7,	97322.9,	97322.11,
97300.87,	97300.89,	97300.91,	97322.13,	97322.15,	97323.1,
97300.93,	97300.95,	97300.97,	97323.3,	97323.5,	97323.7,
97300.99,	97300.103,	97300.105,	97323.9,	97323.11,	97323.13,
97300.107,	97300.109,	97300.111,	97323.15,	97324.1,	97324.3,
97300.113,	97300.115,	97300.117,	97324.5,	97324.7,	97324.9,
97300.119,	97300.121,	97300.123,	97324.11,	97324.13,	97324.15,
97300.125,	97300.127,	97300.129,	97324.17,	97324.19,	97324.21,
97300.131,	97300.133,	97300.135,	97324.23,	97324.25,	97324.27,
97300.137,	97300.139,	97300.141,	97324.29,	97324.31,	97324.33,
97300.143,	97300.145,	97300.147,	97324.35,	97324.37,	97324.39,
97300.149,	97300.151,	97300.153,	97324.41,	97324.43,	97324.45,
97300.155,	97300.157,	97300.159,	97324.47,	97324.49,	97324.51,
97300.161,	97300.163,	97300.165,	97324.53,	97324.55,	97324.57,
97300.167,	97300.169,	97300.171,	97324.59,	97324.61,	97324.63,
97300.173,	97300.175,	97300.177,	97324.65,	97324.67,	97324.69,
97300.179,	97300.181,	97300.183,	97324.71,	97324.73,	97324.75,
97300.185,	97300.187,	97300.189,	97324.77,	97325.1,	97325.3,
97300.191,	97300.193,	97300.195,	97325.5,	97325.7,	97325.9,
97300.197,	97300.199,	97300.203,	97326.1,	97326.3,	97326.5,
97300.205,	97300.207,	97300.209,	97326.7,	97326.9,	97326.11,
97300.211,	97300.213,	97300.215,	97326.13,	97326.15,	97331.1,
97300.217,	97300.219,	97300.221,	97331.3,	97331.5,	97331.7,
7300.223,	97300.225,	97300.227,	97331.9,	97332.1,	97333.1,
97300.229,	97300.231,	97320.1,	97333.3,	97333.5,	97333.7,
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97320.11,	97320.13,	97320.15,	97333.15,	97333.17,	97333.19,
97320.17,	97320.19,	97320.21,	97333.21,	97333.23,	97335.1,
97320.23,	97320.25,	97320.27,	97335.3,	97341.1,	97341.3,
97320.29,	97320.31,	97321.1,	97341.5,	97341.7,	97342.1,
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97321.37,	97321.39,	97321.41,	97352.1,	97352.3,	97352.5,
97321.43,	97321.45,	97321.47,	97352.7,	97352.9,	97352.11,
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97321.81,	97321.83,	97321.85,	97363.1,	97363.3,	97363.5,
97321.87,	97321.89,	97321.91,	97363.7,	97363.9,	97363.11,
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			97365.3,	97370.1,	97370.3,
			97370.5,	97370.7,	97372.1,
			97372.3,	97372.5,	97372.7,
			97372.9,	97373.1,	97373.3,
			97373.5,	97373.7,	97374.1,
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			97381.7,	97381.9,	97381.11,
			97382.1,	97383.1,	97383.3,
			97383.5,	97383.7,	97383.9,
			97383.11,	97383.13,	97383.15,
			97383.17,	97383.19,	97384.1,

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97385.3, 97385.5, 97390.1, 37390.3,	51535,51535.1,51544,54501
97391.1, 97392.1, 97392.3, 97392.5,	06/22/10 AMEND: 2706-7
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97404.7, 97404.9, 97405.1, 97405.3,	84076, 84079, 84087.2, 84088, 84090,
97411.1, 97411.3, 97411.5, 97411.7,	86065, 88065, 89405
97411.9, 97411.11, 97412.1, 97412.3,	07/09/10 ADOPT: 87606 AMEND: 87202, 87208,
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97416.11, 97417.1, 97418.1, 97420.1,	09/15/10 ADOPT: 3929.4
97420.3, 97420.5, 97421.1, 97425.1,	07/19/10 ADOPT: 6932 REPEAL: 6932
97425.3, 97425.5, 97425.7, 97425.9,	07/12/10 ADOPT: 3929.3
97426.1, 97426.3, 97426.5, 97426.7,	07/12/10 ADOPT: 3919.8
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97431.5, 97432.1, 97433.1, 97433.3,	07/19/10 ADOPT: 6932 REPEAL: 6932
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